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BY: W. Kuyper

DATE: 8-14-01

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|-------------|--------------------------------|--------------------------|
| In re: | Patent Application of | : Group Art Unit: 1646 |
| | Sean A. McCarthy <i>et al.</i> | : |
| | | : |
| Appln. No.: | 09/333,159 | : Examiner: Dong Jiang |
| | | : |
| Filed: | June 14, 1999 | : Confirmation No.: 3785 |
| | | : |
| For: | NOVEL GENES ENCODING PROTEINS | : Attorney Docket |
| | HAVING DIAGNOSTIC, PREVENTIVE, | : No. 10147-6 |
| | THERAPEUTIC, AND OTHER USES | : (MBIO99-030) |

PRELIMINARY AMENDMENT

This paper accompanies a Response to Restriction Requirement in the Office Action dated April 24, 2001 (Paper No. 5) for the application referenced above. Please amend the application as follows.

In the Claims:

Please cancel claims 8-11 and 13-23, without prejudice to inclusion of the subject matter of these claims in one or more additional patent applications.

Please amend claims 1, 2, and 12 to read as follows. For the Examiner's convenience, a "**Marked-up Copy of Claims Amended in the Preliminary Amendment Filed in Response to the Restriction Requirement Dated 24 April 2001**" is enclosed, on which text added to these claims is underlined and text deleted from the claims is ~~struck through~~.

1. (Amended) An isolated nucleic acid molecule selected from the group consisting of:

a) a nucleic acid molecule having a nucleotide sequence which is at least 90% identical to the nucleotide sequence of SEQ ID NO: 45 or 46, or a complement thereof;

a
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